

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAVID S. LAYNE,

Plaintiff,

v.

Case No. 08-12552

COMMISSIONER OF SOCIAL SECURITY,

District Judge Arthur J. Tarnow

Defendant.

Magistrate Judge Stephen D. Pepe

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**ORDER ADOPTING REPORT AND RECOMMENDATION [16];  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [15];  
AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [11]**

Before the court is the report and recommendation. No objections were filed as of August 17, 2009.

The court ADOPTS the report and recommendation. Defendant's motion for summary judgment is GRANTED. Plaintiff's motion is DENIED.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: August 17, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 17, 2009, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager